

No.: 16592

Client No.: 007564050920

Re No.: 6013-114US

**OGILVY
RENAULT****Facsimile**

18

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Number of pages including this cover sheet: 7
Date: May 15, 2003
From: Paul Marcoux
Telephone: (418) 640-5988
E-Mail: pmarcoux@ogilvyrenault.com

To	Company	City	Fax
Ms. Cecilia Tsang	USPTO	Washington	(703) 305-7230

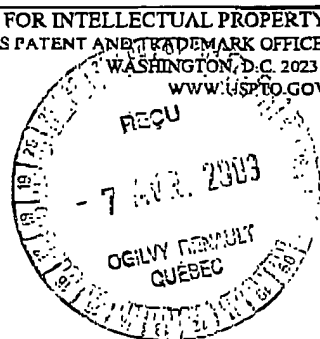
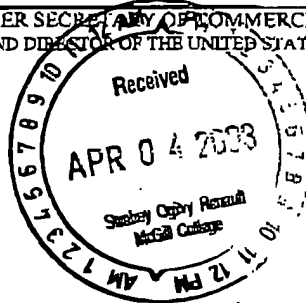
Message



MAR 25 2003

In re Application of
Poulin et al
Serial No.: 09/529,319
Filed: April 11, 2000
Attorney Docket No.: ILEX:040/019

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV



This is in response to "Petition under MPEP Section 711.03© to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" filed February 11, 2003 via facsimile.

Applicant request that the Abandonment of the application mentioned by the examiner in a telephone conversation dated February 6, 2003 be withdrawn under MPEP 711.03(c).

The file history has been reviewed. On July 30, 2002, a Final office action was mailed to Fulbright & Jaworski, Suite 2400, 600 Congress Ave., Austin, TX 78701, setting a Three months shortened statutory period for reply. On October 22, 2002, "Revocation of Previous Powers of Attorney and Appointment of New Attorney" and "Attorney Change of Address" were filed. On October 25, "Notice Recording Change of Power of Attorney" was mailed. The Final action was properly mailed to the correct address of record.

Applicant alleged that on February 10, 2003, applicant had a telephone conversation with Mr. Steven Highlander from the firm Fulbright & Jaworski and that Mr. Highlander confirmed that no Office action was received by them on or after June 2002. However, there is no evidence provided. No copy of the docket record from the firm Fulbright & Jaworski where the nonreceived Office communication would have been entered had it been received and docketed is provided. See MPEP 711.03© II. Accordingly, the petition is dismissed. The application is abandoned.

Petition Dismissed.

Should there be any questions regarding this communication, please contact Cecilia Tsang by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang for
Bruce Kisliuk
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,319	02/09/2000	Richard Poulin	ILEX:040/019	6994

7590

03/26/2003

OGILVY RENAULT
1981, MCGILL COLLEGE, SUITE 1600
MONTREAL, QC H3A 2Y3
CANADA

EXAMINER

KUMAR, SHAILENDRA

ART UNIT

PAPER NUMBER

1621

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/529,319

Examiner

Kumar

Applicant(s)

POULIN ET AL.

Art Unit

1621

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 July 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Cecilia Tsang
 CECILIA TSANG
 SPECIAL PROGRAM EXAMINER
 TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Gagne, Marc

De: Highlander, Steven [shighlander@fulbright.com]

Envoyé: 8 mai, 2003 11:20

À: Gagne, Marc

Objet: 6013-114US

Dr. Gagne -

I am in receipt of your fax dated May 6th (received May 7th). If we received an office action in early August of 2002, we would not have docketed this information since the file had been transferred to you previously. Rather, we would have sent the office action to you. I have no record of receiving any action, or of transferring it to you. Thus, my only conclusion is that we did not receive the action.

Steven L. Highlander
FULBRIGHT & JAWORSKI LLP
2400 One American Center
600 Congress Ave.
Austin TX 78701
512-536-3184 (direct)
512-536-4598 (fax)
shighlander@fulbright.com

***** PRIVILEGED AND CONFIDENTIAL *****

OR File No.: 6013-114US
Former Attorney Docket No.: 040/019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Poulin et al.
Serial No.: 09/529,319 Art Unit: 1621
Filed: April 11, 2000 Examiner: Kumar, S.
For: POLYAMINE TRANSPORT INHIBITORS

Attention: Ms. Cecilia Tsang
Arlington, Virginia 22202
U.S.A.

We are in receipt of your Communication dated March 25, 2003, copy enclosed, dismissing our Petition under MPEP Section 711.03 to withdraw Holding of Abandonment issued in Notice of Abandonment dated March 26, 2003.

For reference purpose, we enclose a copy of the Notice of Abandonment.

Referring to the third paragraph of your Communication, we enclose a copy of an e-mail dated and addressed to Marc Gagné, who is under my supervision, confirming that if an Office Action had been received by Fulbright & Jaworski, it would have been transferred to our firm. Further, there is no record at Fulbright & Jaworski that an Office Action in this case has been received about the date it should have been received.

As indicated in our Petition, we have no record either in our Firm.

We trust that the above and enclosed documents will be sufficient to reverse your decision of March 25, 2003.

Respectfully submitted,

By: 

Paul Marcoux
Registration No. 24,990

Date: May 15, 2003

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Assistant Commissioner for Patents 09/529,319

OGILVY RENAULT
1600 - 1981 McGill College Ave.
Montreal, Quebec
Canada H3A 2Y3

Tel: (418) 640-5988

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Paul Marcoux

Name of person signing certification

Paul Marcoux
Signature

May 15, 2003

Date